AMENDMENT TO THE DRAWING

Fig. 9 is added reflecting the interlocking engagement system comprising serrated teeth in female/male relationship to one another.

ANTECEDENT SUPPORT FOR AMENDMENTS

The gist of the amendments to the claims relates to cancellation of the present independent claims and the addition of a new independent claim and focuses more particularly on the inter-relationship of the various elements of the organizer. Antecedent support is found in the original claims and the drawings.

The amendment to the specifications, and in particular at Page 3 the deletion of "height" and substitution of the word "length", reflects a typographical error that appeared in the original application. Clearly it is the length that is variable based upon the subject invention as claimed in the original claim and as shown in the drawings and described in the original specification.

At Page 6 reference to Fig. 8 was inserted. The figure is in the original application but the short description thereof was erroneously dropped from the original application. Support for this description is found in the original Fig. 8. In addition, Fig. 9 has been added based upon the Examiner's comments, reflecting the interlocking engagement system in a preferred embodiment, comprising serrated teeth. Support is found at Page 12 of the original application and in original Claim 9.

LEGAL ARGUMENT

Based upon the amendment filed herewith, the present pending claims consist of new independent Claim 21 and new Claims 22 and 23 dependent thereupon, as well as existing Claims 5, 9, 11, 12, 13 and 16, amended so that they depend upon new Claim 21. In addition, new Fig. 9 has been added showing the serrated edges, in a preferred embodiment, as a part of the releasable engagement system of the present invention.

No new matter has been introduced.

Based upon this amendment and the following arguments, reconsideration and allowance of the pending claims is hereby requested.

The Examiner rejects all of the previously pending claims on the basis of references cited under 35 U.S.C. 102(b) and 34 U.S.C. 103(a). The references are detailed herein below.

The Wilk Reference.

Wilk teaches a collapsible receptacle assembly for holding particulate or fluid material. The invention is used to provide temporary ice skating rinks and temporary swimming pools in addition to other applications (Column 1, Lines 5 – 11). Nowhere in any of the text is there any disclosure of an expandable organizer for use within a drawer (see Claim 5 - currently amended). Over and over again the patentee teaches a macro assembly for use as a ***temporary swimming pool*** or ***ice skating rink*** (Column 3, Lines 46 – 49). While there is broad language in limited areas of the specification indicating that the assembly may be manufactured in a variety of sizes and shapes (Column 3, Lines 50-52), these teachings must be read in the context of the entire invention disclosed therein which is clearly a macro-sized apparatus used to provide ice skating rinks and swimming pools, and in no way, shape or form can it be analogized to an expandable organizer for use within a drawer.

In addition, the Wilk reference does not contain any reference to a plurality of substantially fixed upwardly raised dividers situated within the fixed area created by the peripheral edge. The dividers are in a substantially fixed position relative to each other and relative to the peripheral edge. A review of Fig. 9 of the Wilk reference clearly shows that this would be an impossibility, since the

Wilk assembly creates an interior void where it would be physically and geometrically impossible to have the fixed dividers as set forth in applicant's Claim 21. Thus, a 102(b) analysis leads to the inevitable conclusion that the Examiner's arguments are inappropriate, as the claims are now amended. Moreover, Bidot and Rosenberg do not cure any of the deficiencies of the Wilk apparatus under Section 103(a).

The Bidot Reference.

Bidot discloses an organizer defining a plurality of compartments which are adjustable in size and shape by panels defining the compartments being adjustable in length. The various components of the organizer are connected by way of clip elements, 3 (see Fig. 2A; see also Fig. 2C). There is no first element in Bidot's apparatus, wherein a plurality of substantially fixed upwardly raised dividers are situated within the fixed area created by the peripheral edge and wherein the dividers are in substantially fixed positions relative to one another and relative to the peripheral edge (see Claim 21). Indeed, the Bidot clip elements may be moved thereby resulting in adjustable panels, unlike those of the applicant, which are in a fixed configuration one to the other. Bidot teaches telescopically-arranged members that can be extended out from or retracted into one another, but again in movable and releasable configuration one to the other, merely requiring removal of the clip elements prior thereto (see Column 1, Lines 65 – 67). In addition, there is no bottom surface to the apparatus; instead, the organizer utilizes the bottom surface of the drawer as its bottom surface. This is totally different from the apparatus disclosed by the applicant in Claim 21, wherein the dividers are in substantially fixed position relative to one another and relative to the peripheral edge and wherein there is a bottom surface. The Examiner cannot assert a valid argument wherein the adjustable Bidot partitions, held together by clip members, are equatable to the fixed dividers of the applicant's invention. We are comparing "apples and oranges", no, we are comparing "apples and elephants".

If you remove the organizer of Bidot from the drawer, any materials contained therein will remain in the drawer. Indeed, because of the necessity of the clip members, and the adjustability of the interior partitions in Bidot, it would be impossible to integrate a bottom surface in the Bidot organizer because then the partitions would not be adjustable. To argue otherwise would be to reinvent the Bidot apparatus and morph it into something it is not. Neither Wilk nor the Rosenberg references cited by the examiner cure the inherent defects of the Bidot apparatus. Only applicant's exterior elements, defined in the claims as the second and third elements (Claim 21) and the fourth element (Claim 22)

are in movable relationship one to the other. Bidot in no way, shape or form teaches the same relationship of the second, third and fourth element to the first element of the applicant.

As amended, the cited references fail under a 102(b) analysis or a 103(a) analysis.

The Rosenberg References.

All of the Rosenberg references teach a mono-directional drawer organizer that only expands in the width direction. There is no teaching, express or implied, that would lead one to conclude that the Rosenberg organizers can be adjusted in the length dimension. Respectfully, the Examiner is incorrect in relying upon Rosenberg to support his 102(b) and 103(a) rejection for the proposition of expansion in both the length and width directions. The subject invention represents an improvement over the existing Rosenberg art, in that it now provides an organizer which can fit into a rectangular space (Claim 21) and specifically a drawer (Claim 5), by expansion in both the length and width directions utilizing the second, third and/or fourth elements of applicant's invention.

CONCLUSIONS

In view of the above arguments and amendment to the claims, specification and drawing, reconsideration and allowance of all the pending claims is hereby requested.

Respectfully submitted:

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